

DT03 Rec'd PCT/PTO 13 DEC 2004
PATENT Case No. 21001YP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Anastasia G. Daifotis et al.

Serial No. 10/508,899

Filed: September 23, 2004

For: METHOD FOR INHIBITING BONE RESORPTION WITH
AN ALENDRONATE AND VITAMIN D FORMULATION

Art Unit: Not Assigned

Examiner: Not Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By

Deanne Brown

Date

12/9/04

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Dianne Brown

Attorney For Applicant(s)

Reg. No. 42,068

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Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

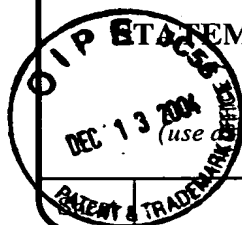
(732)594-1249

Date: December 9, 2004

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INFORMATION DISCLOSURE

STATEMENT BY APPLICANT



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1 of 11

COMPLETE IF KNOWN

Application Number	10/500,000
Filing Date	September 23, 2004
First Named Inventor	Anastasia G. Daifotis
Group Art Unit	To be determined
Examiner Name	To be determined
Attorney Docket Number	21001YP

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		4,812,304		Anderson et al.	03/14/1989
		5,488,041		Barbier et al.	01/30/1996
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Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number Kind Code (if known)		
			WO 92/21355	Andon	12/10/1992
			WO 95/08331	Bechard	03/30/1995
			JP 08-277223	Chugai Pharmaceutical Co., Ltd.	10/22/1996
			WO 03/086415	Daifotis et al.	10/23/2003
			WO 90/01321	DeLuca et al.	02/22/1990
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			WO 03/007916	Fleshner-Barak et al.	01/30/2003
			WO2004/058235	Fleshner-Barak et al.	07/15/2004

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STATEMENT BY APPLICANT

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COMPLETE IF KNOWN

Application Number	10/501,179
Filing Date	September 23, 2004
First Named Inventor	Anastasia G. Daifotis
Group Art Unit	To be determined
Examiner Name	To be determined
Attorney Docket Number	21001 YP

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		4,822,609		Flora et al.	04/18/1989
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		Office	Number	Kind Code (if known)		
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11

COMPLETE IF KNOWN**Application Number**

10/50/29

Filing Date

September 23, 2004

First Named Inventor

Anastasia G. Daifotis

Group Art Unit

To be determined

Examiner Name

To be determined

Attorney Docket Number

21001YP

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		Office	Number	Kind Code (if known)		
			JP 11-60489		Ito et al.	03/01/1999
			WO 01/28564 A1		Kang et al.	04/26/2001
			WO 96/25166		Karpf et al.	08/22/1996
			WO 95/29679		Katdare et al.	11/09/1995
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			WO 95/28145		Shinoda et al.	10/26/1995

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Sheet

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of

11

Attorney Docket Number

21001YP

COMPLETE IF KNOWN**Application Number**

10/50 9

Filing Date

September 23, 2004

First Named Inventor

Anastasia G. Daifotis

Group Art Unit

To be determined

Examiner Name

To be determined

U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

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		Office	Number	Kind Code (if known)		
			JP 64-00021		Teijin Ltd.	01/05/1989
			BE 672205		The Proctor & Gamble Company	
			WO 99/20635		Tomer	04/29/1999
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STATEMENT BY APPLICANT

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Sheet 5 of 11

COMPLETE IF KNOWN

Application Number 10/508009
 Filing Date September 23, 2004
 First Named Inventor Anastasia G. Daifotis
 Group Art Unit To be determined
 Examiner Name To be determined
 Attorney Docket Number 21001YP

NON PATENT LITERATURE DOCUMENTS

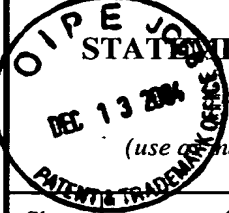
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
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		Augsburger, L. L., et al., J. Pharm Aci, 1996, Vol. 55, p 418
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (use as many sheets as necessary)		Application Number	10/508,899
		Filing Date	September 23, 2004
		First Named Inventor	Anastasia G. Daifotis
		Group Art Unit	To be determined
		Examiner Name	To be determined
		Attorney Docket Number	21001YP
Sheet	6	of	11

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
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Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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First Named Inventor	Anastasia G. Daifotis
Group Art Unit	To be determined
Examiner Name	To be determined
Attorney Docket Number	21001YP

Sheet 7 of 11

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
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8 of 11

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
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Application Number

10/508

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First Named Inventor

Anastasia G. Daifotis

Group Art Unit

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NON PATENT LITERATURE DOCUMENTS

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Initials*

Cite
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

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INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

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COMPLETELY KNOWN

Application Number	10/508,009
Filing Date	September 23, 2004
First Named Inventor	Anastasia G. Daifotis
Group Art Unit	To be determined
Examiner Name	To be determined
Attorney Docket Number	21001YP

Sheet 10 of 11

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
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Examiner Name	To be determined
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Sheet 11 of 11

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